



Signed and Filed: May 2, 2023

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Bankruptcy Case
PG&E CORPORATION,) No. 19-30088-DM
) Chapter 11
- and -) Jointly Administered
PACIFIC GAS AND ELECTRIC COMPANY,)
Reorganized Debtors.)
☐ Affects PG&E Corporation)
☐ Affects Pacific Gas and)
Electric Company)
☒ Affects both Debtors)
* All papers shall be filed in)
the Lead Case, No. 19-30088 (DM).)

**ORDER DENYING MOTION TO ALLOW LATE CLAIMS AND
DROPPING HEARING FROM CALENDAR**

I. Introduction

On April 7, 2023, Creditors Logan Bringsjord, Kendra Bringsjord, Niels Bringsjord, Dianne S. Gingerich and Mathew Ricca ("Movants") filed their *Motion Pursuant to Fed. R. Bankr. Proc. 7015 and 7017 to Enlarge Time to File Proof of Claim Pursuant to Fed. R. Bankr. Proc. 9006(b)(1)* ("Late Claim

1 Motion") (Dkt. 13658) and set a hearing on the Late Claim Motion
2 for May 9, 2023. On April 13, 2023, Cathy Yanni, in her
3 capacity as the Fire Victim Trustee ("Trustee"), filed an
4 Objection to the Late Claim Motion (Dkt. 13668).

5 For the reasons explained below, the court sustains the
6 Trustee's Objection, denies the Late Claim Motion, and drops the
7 scheduled hearing on the Motion from its May 9, 2023 calendar.

8 **II. Discussion**

9 A bankruptcy court may, on motion of a claimant filed after
10 the applicable deadline, deem a late claim to be timely filed if
11 the delay "was the result of excusable neglect." Fed. R. Bankr.
12 Pro. 9006(b)(1). The decision regarding whether a late claim
13 was the result of excusable neglect "is at bottom an equitable
14 one, taking account of all relevant circumstances surrounding
15 the party's omission." *Pioneer Inv. Services Co. v. Brunswick*
16 *Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993).
17 Circumstances include "the danger of prejudice to the debtor,
18 the length of the delay and its potential impact on judicial
19 proceedings, the reason for the delay, including whether it was
20 within the reasonable control of the movant, and whether the
21 movant acted in good faith." *Id.* The court may weigh each of
22 these factors in its discretion.

23 Neither the Trustee nor the court doubt the Movants' good
24 faith. The court considers the remaining *Pioneer* factors below
25 and incorporates in this Order its reasoning from its previous
26 Orders Denying Motions to File Late Claims (Dkts. 13377 and
27 13490) ("Orders Denying Motions").
28

1 First, the court finds that granting the Late Claim Motion
2 would prejudice the FVT.¹ According to the Trustee, the FVT
3 simply is not fully funded, the stock contributed to the FVT by
4 the Debtors is not performing as well as expected (despite
5 recent increases in value), and there may not be enough money in
6 the Trust to administer 100% payments to Wildfire Claimants who
7 timely filed proofs of claim, let alone those requesting to have
8 their late claims deemed timely now. The FVT may also be
9 prejudiced by the additional expenditures of time and effort
10 required of the FVT and its administrators to recalculate the
11 projections and calculations made to ensure an equal pro rata
12 distribution to all Wildfire Claimants, including those already
13 partially paid. Taking the Late Claim Motion in aggregate with
14 the large number of similar motions made in the past, and may be
15 made in the future, the impact on administration is more than de
16 minimis and would prejudice the FVT.

17 Next, the court finds that the Movants have not described
18 circumstances that would explain why the failure to file a claim
19 for over two and a half years constitutes excusable neglect.
20 The Movants acknowledge both notice of the Debtors' bankruptcy
21 and Claims Bar Dates. Instead, the Movants argue that the
22 stress of temporary or permanent displacement, a lack of
23

24
25 ¹ The Movants here focus only on the potential prejudice to the
26 Debtors. As noted in the court's previous Orders Denying
27 Motions, the FVT is the representative of each of the Debtors'
28 estates and is responsible for administering, objecting to, and
settling the claims of Wildfire Claimants pursuant to the
Paragraph 18(e)(iii) of the court's Confirmation Order (Dkt.
8053), and is thus the proper party to consider regarding
prejudice under the *Pioneer* factors.

1 awareness that their particular damages could be compensated, or
2 a lack of guidance due to age all constitute excusable neglect.

3 The court reiterates, as it explained in its prior Orders
4 Denying Motions, that the Debtors engaged in a comprehensive
5 campaign to provide notice to Wildfire Claimants in the North
6 Bay, California, and across the United States. The Debtors
7 could not control whether Movants chose not to believe or to
8 heed those notices, nor was it the Debtors' duty to ensure every
9 known and unknown Wildfire Claimant's full understanding of
10 every type of injury that could be compensated via the proof of
11 claim process. It also does not appear there was a widespread
12 misunderstanding regarding what types of injury could be
13 compensated via a proof of claim: every type of injury described
14 in the Late Claim Motion is listed as a checkbox on the Proof of
15 Claim form for Wildfire Claimants, and all were listed as
16 injuries by Wildfire Claimants of all ages who timely filed
17 proofs of claim.

18 **III. Conclusion**

19 For the reasons stated above, the court hereby SUSTAINS the
20 Trustee's Objection and DENIES the Late Claim Motion. The
21 Proofs of Claim associated with the Late Claim Motion shall not
22 be deemed timely filed and are thus disallowed.

23 No purpose would be served by proceeding with the May 9,
24 2023 hearing as Movants have presented nothing new that might
25 alter the outcome. The Motion is DROPPED from the calendar.

26 ****END OF ORDER****

COURT SERVICE LIST

ECF Recipients